

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name;

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Intelligent Network Streaming and Execution System for Conventionally Coded Applications

the specification of which (check one) ☒ is attached hereto, or ☐ was filed on _____ as Application Serial No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

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I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed
Yes No

Number Country Day/Month/Year Filed

Number Country Day/Month/Year Filed

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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

MICHAEL A. GLENN, Reg. No. 30,176
DONALD M. HENDRICKS, Reg. No. 40,355
KIRK D. WONG, REG. NO. 43,284
EARLE W. JENNINGS, Reg. No. 44,804
CHRISTOPHER PEIL, Reg. No. 45,005
JACK J'MAEV, Reg. No. 45,669

SEND CORRESPONDENCE TO:

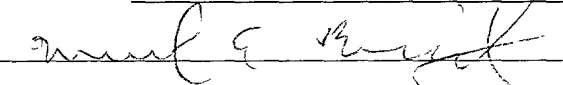
MICHAEL A. GLENN, 3475 Edison Way, Suite L Menlo Park, CA 94025

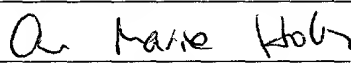
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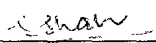
I hereby claim the benefit under Title 35, United States code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

60/246,384 11/6/00 PENDING- Provisional
Application Ser. No. Filing Date Status: Patented, Pending, Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: MANUEL ENRIQUE BENITEZ
Inventor's signature  2/7/01
Date
Residence 10245 Parkwood Drive, #6, Cupertino, California 95014
Post Office Address Same
Citizenship United States of America

Full name of second joint inventor: ANNE MARIE HOLLER
Inventor's signature  2/7/2001
Date
Residence 2049 Elm Leaf Court, Santa Clara, California 95051
Post Office Address Same
Citizenship United States of America

Full name of third joint inventor: LACKY VASANT SHAH
Inventor's signature  FEB 07 2001
Date
Residence 1228 Sunrise Drive, Fremont, California 94539
Post Office Address Same
Citizenship India

Full name of fourth joint inventor: DANIEL TAKEO ARAI

Inventor's signature Daniel T Arai Feb 7, 2001
Date

Residence 180 Elm Court, Apt. # 1312, Sunnyvale, California 94086

Post Office Address Same

Citizenship United States of America

Full name of fifth joint inventor: SAMEER PANWAR

Inventor's signature Sameer Panwar 2/9/01
Date

Residence 4916 Esquerra Terrace, Fremont, California 94555

Post Office Address Same

Citizenship United States of America

ASSIGNMENT

WHEREAS, we, Manuel Enrique BENITEZ, Anne Marie HOLLER, Lacky Vasant SHAH, Daniel Takeo ARAI, and Sameer PANWAR,, hereinafter referred to as "ASSIGNORS", have invented certain new and useful improvements, as described and set forth in the below-identified application for United States Letters Patent:

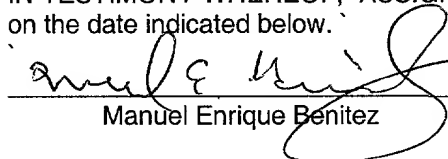
Title of Invention: **Intelligent Network Streaming and Execution System for Conventionally Coded Applications**


WHEREAS, Omnishift Technologies, Inc., a corporation duly organized under and pursuant to the laws of the State of Delaware, and having its principal place of business at 451 El Camino Real, Santa Clara, California 95050, hereinafter referred to as "ASSIGNEE", is desirous of acquiring the entire right, title, and interest in the said invention and application and in any Letters Patent which may be granted with regard to the same;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for One Dollar (\$1.00) and other good and valuable consideration, ASSIGNORS have sold, assigned, and transferred, and by these presents does sell, assign, and transfer unto the said ASSIGNEE, and ASSIGNEE'S successors and assigns, all right, title, and interest in and to said invention, said application for United States Letters Patent and any Letters Patent which may be hereafter granted on the same in the United States and all countries throughout the world, including any divisions, renewals, continuations in whole or part, substitutions, conversions, reissues, revivals, prolongation, or extensions thereof, said interest to be held and enjoyed by said ASSIGNEE as fully and exclusively as it would have been held and enjoyed by said ASSIGNORS had this assignment and transfer not been made, for all time.

ASSIGNORS further agree that they will, without charge to said ASSIGNEE, but at ASSIGNEE'S expense, cooperate with ASSIGNEE in the prosecution of said application and/or applications, execute, verify, acknowledge, and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as ASSIGNEE may lawfully request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said ASSIGNEE, or ASSIGNEE'S successors and assigns.

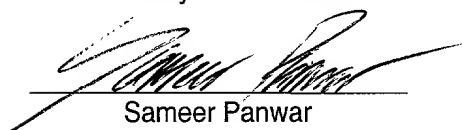
IN TESTIMONY WHEREOF, ASSIGNORS have hereunto signed their names to the assignment on the date indicated below.


Manuel Enrique Benitez


Anne Marie Holler


Lacky Vasant Shah


Daniel Takeo Arai


Sameer Panwar

On this _____ day of _____, in the year of _____, before me, the undersigned notary public, personally appeared the above-named ASSIGNORS, known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

Applicant or Patentee: Manuel Enrique Benitez, Anne Marie Holler, Lacky Vasant Shah, Daniel Takeo Arai, and Sameer Panwar

Serial No.: Unassigned Filing Date: Herewith

Patent No.: _____ Issued: _____

For: Intelligent Network Streaming and Execution System for Conventionally Coded Applications

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 CFR 1.9(f) and 1.27(b) - SMALL BUSINESS CONCERN

I hereby declare that I am:

() the owner of the small business concern identified below:

(X) an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Omnishift Technologies, Inc.

ADDRESS OF CONCERN 451 El Camino Real, Santa Clara, CA 95050

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3 - 18 and reproduced in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled: Intelligent Network Streaming and Execution System for Conventionally Coded Applications by inventor(s) Manuel Enrique Benitez, Anne Marie Holler, Lacky Vasant Shah, Daniel Takeo Arai, and Sameer Panwar described in:

(X) the application filed herewith

() application serial no. _____, filed _____

() patent no. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than an inventor, who could not qualify as a small business concern under 37 CFR 1.9(d), or by any concern that could not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

() no such person, concern, or organization

() persons, concerns, or organizations listed below*

* NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

FULL NAME _____
ADDRESS _____

() INDIVIDUAL () SMALL BUSINESS CONCERN () NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____

() INDIVIDUAL () SMALL BUSINESS CONCERN () NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Sridhar Ramakrishnan

TITLE OF PERSON OTHER THAN OWNER President

BUSINESS ADDRESS OF PERSON SIGNING 451 El Camino Real

Santa Clara, California 95050

SIGNATURE *Sridhar* DATE 2/7/2001

Applicant or Patentee: Manuel Enrique Benitez, Anne Marie Holler, Lacky Vasant Shah, Daniel Takeo Arai, and Sameer Panwar

Serial No.: Unassigned Filing Date: Herewith

Patent No.: Issued:

For: Intelligent Network Streaming and Execution System for Conventionally Coded Applications

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 CFR 1.9(f) and 1.27(b) - INDEPENDENT INVENTOR

As a below-named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled:

Intelligent Network Streaming and Execution System for Conventionally Coded Applications

described in:

☒ (x) the application filed herewith

☐ () application serial no. _____, filed _____

☐ () patent no. _____, issued _____

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey, or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☐ () no such person, concern, or organization

☒ (X) persons, concerns, or organizations listed below*

* NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

FULL NAME Omnishift Technologies, Inc.

ADDRESS 451 El Camino Real, Santa Clara, CA 95050

☐ () INDIVIDUAL ☒ (X) SMALL BUSINESS CONCERN ☐ () NONPROFIT ORGANIZATION

FULL NAME

ADDRESS

☐ () INDIVIDUAL ☐ () SMALL BUSINESS CONCERN ☐ () NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

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FEB 07 2001

Daniel E. Aron

Feb 7, 2001

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2/9/01